



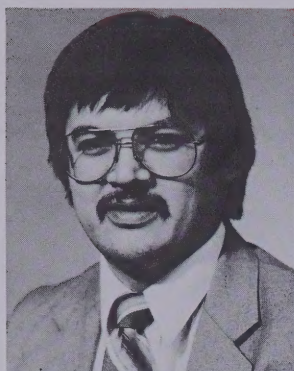
PROPOSED
HUMAN RIGHTS CODE
for the
NORTHWEST TERRITORIES



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A SPECIAL MESSAGE

During the past 10 years there has been rapid development of the law regarding human rights, both in Canada and in most other countries of the world.

More recently, the addition of the Canadian Charter of Rights and Freedoms to Canada's Constitution is very significant and demonstrates the growing concern all people feel for the protection of their rights in society.

In the Northwest Territories, however, we do not have modern, comprehensive legislation to detail human rights and to enforce them for the benefit of each individual. At the moment, the northern law is made up of the *Fair Practices Ordinance* and a federal law called the *Canadian Human Rights Act* which is administered outside of the Territories.

Recent changes to the *Canadian Human Rights Act*, however, restrict that law to federal employees and federal services. The changes also allow the opportunity for the NWT Legislative Assembly to enact its own Human Rights Code especially written for the people of the Northwest Territories.

A proposal for a Northwest Territories Human Rights Code has now been written and is scheduled for tabling, but not introduction, at the spring session of the Legislative Assembly in order to have more time for discussion.

The Code will not only establish the rights to which people in the NWT will be entitled but will also provide the means by which they may enforce and protect their rights.

It is not, however, intended to affect aboriginal rights in the Territories.

This is a critical time for everyone to recognize the importance of human rights in the Northwest Territories and to cooperate in the creation of a Code that will reflect our ideals. It is my sincere hope that we will create and place into law a code that is founded upon respect for moral and spiritual values, and the dignity and worth of the human person.

A draft Human Rights Code has already been distributed throughout the NWT, to communities and special interest groups, and I would like to invite everyone to become familiar with it and to debate its contents so that we may truly have a Human Rights Code written for the North.

The following pages are intended to provide only a brief summary of the proposed Code and Human Rights Commission. For a more detailed explanation, copies of the draft Code are available at your local library, school, band or municipal council offices, or by writing to the Department of Information in Yellowknife.

You can send any comments you might have on the draft Human Rights Code to myself. Simply address your remarks to the Minister of Justice and Public Services, Government of the Northwest Territories, Yellowknife.

A handwritten signature in dark ink, appearing to read 'Richard Nerysoo'. The signature is fluid and cursive, with a long horizontal stroke at the end.

The Honourable Richard Nerysoo
Government Leader and Minister of Justice and Public Services

A HUMAN RIGHTS CODE FOR THE NWT

The goals of a Human Rights Code created especially for the NWT are for every person to have equal opportunities in life, and to discourage unfair discrimination. The ultimate goal of the Code is to create a society where people can act and be treated solely on the basis of their personal qualities.

A Code will accomplish this by providing a process for people to protect and enforce their rights through a Human Rights Commission, which will also initiate public information and education programs designed to promote understanding of human rights.

The proposed Code clearly outlines cases in which unfair discrimination will not be allowed.

Under the Code, people will not be allowed to refuse someone a job, housing, contracts, services, goods or facilities on the basis of race, origin, religion, language, sex, age, family status, source of income or livelihood, political opinions or offence record.

Once the Code is established, if someone believes they have been discriminated against under one of these sections, he or she will have the right to file a complaint with the Human Rights Commission. The Commission will investigate the complaint, and then refer it to a conciliator or a Tribunal.

There will, however, be some exceptions to the rules of the Code.

For example, laws that include a minimum age, such as the legal driving age, will be allowed to stay the same. Or, special schools which admit only people of the same sex, or people with handicaps, will be permitted.

As well, affirmative action programs which offer jobs to particular groups including native people or women, may be approved by the Commission. And pension or insurance plans with qualifying rules regarding age or health will also be allowed under the new Code.

THE HUMAN RIGHTS COMMISSION

The draft Code proposes that a Human Rights Commission be established by the Minister of Justice and Public Services. The Commission will consist of a Chief Human Rights Commissioner and between two and six members. All members will be appointed by the Minister and will serve on a part-time basis for terms no longer than three years.

The Commission will be the body responsible for the administration of the Code and will also have the task of initiating human rights education and

research. The Commission will also keep in contact with other human rights agencies in Canada and will encourage the improvement of living arrangements for handicapped people.

An executive director will be hired by the Commission to take care of the day-to-day work. The head office will be in Yellowknife, and if the Commission decides it is necessary, regional offices will be set up in other centres.

COMPLAINTS OF DISCRIMINATION

If someone believes with good reason they have been discriminated against, he or she will be able to make a complaint to the Human Rights Commission.

The Commission will generally appoint an investigator to research the facts and provide a report on the case. However, the Commission may also suggest the complainant try another course of action first, such as working through a union; and it has the right to dismiss the complaint as trivial.

If the investigator's report reveals enough evidence to show unfair discrimination has taken place, the Commission will then either appoint a conciliator to work out a settlement for the victim, or will refer the case to a Human Rights Tribunal.

The Tribunal, having powers similar to a court of law, will hear evidence from witnesses under oath and will look at other evidence important to the case. Any decision or order of the Tribunal can be appealed to the Supreme Court of the Northwest Territories.

The panel from which the Tribunal is appointed will consist of at least three people, appointed by the Minister of Justice and Public Services, who are not members of the Commission.

If a complaint is referred to the panel, the Chief Adjudicator will select one or more panel members to sit as the Tribunal.

The Tribunal may also award special compensation of up to five thousand dollars if it believes the discrimination was wilful or reckless, or if it finds the victim suffered emotionally from the situation.

The Tribunal can also order, in the case of discrimination based on a physical handicap, that premises, facilities, equipment or operations be changed to accommodate the handicapped person.

Before legislation on the proposed Human Rights Code is presented to the members of the Legislative Assembly, the Government of the NWT would like to hear your views on the proposal.

This has only been a brief summary of the draft proposal. The complete document has been distributed to your local library, school, band or municipal council offices. You can receive your own copy by writing to the Department of Information, Government of the NWT in Yellowknife.

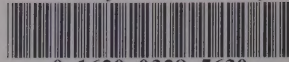
The deadline for submitting comments is March 4, 1985, after which the final draft of the Human Rights Code will be written, taking public concerns into account. The Human Rights Code will then be tabled at the spring session of the Legislative Assembly, and introduced at the fall session. The Human Rights Code will then be debated by the Members of the Assembly and voted on.

Address your comments to:

The Honourable Richard Nerysoo
Minister of Justice and Public Services
 c/o Stien Lal, Q.C.
Deputy Minister
Department of Justice and Public Services
Government of the Northwest Territories
 Box 1320, Yellowknife, N.W.T. X1A 2L9

For insert in News/North, Native Press, The Drum, The Hub, Slave River Journal, Nunatisiaq News. February, 1985.

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